

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

U.S. BANK, NATIONAL ASSOCIATION, )  
Plaintiff, )  
vs. )  
SFR INVESTMENT POOL 1, LLC, etc., et al. )  
Defendants. )

3:15-cv-00241-RCJ-WGC

**ORDER**

**Re: ECF Nos. 111, 112, 115**

Before the court is Plaintiff U.S. Bank National Association's (U.S. Bank) Motion for Attorneys Fees & Costs Following Motion to Compel Discovery (Electronic Case Filing (ECF) No. 111), Declaration of Natalie C. Lehman in Support of Motion for Attorney's Fees Following Motion to Compel Discovery (ECF No. 112) and Supplement to Motion for Attorney's Fees & Costs to Compel Discovery (ECF No. 115). No responses were filed by the parties, Alessi & Koenig, LLC (Alessi & Koenig) and D'Andrea Community Association (D'Andrea), against which the award of fees and costs is sought.<sup>1</sup>

On April 22, 2016, this court entered its order granting U.S. Bank's motion to compel discovery as against D'Andrea and Alessi & Koenig. (ECF No. 113.) The court ordered that Alessi & Koenig and D'Andrea shall respond to U.S. Bank's Interrogatories and Requests for Production no later than May 22, 2016. U.S. Bank's Request for Admissions to Alessi & Koenig and D'Andrea were deemed

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<sup>1</sup> U.S. Bank filed a document entitled "Declaration of Natalie C. Lehman, Esq. In Support of the Plaintiff, U.S. Bank, N.A.'s Motion to Compel Discovery Responses from D'Andrea Community Association and Alessi & Koenig, LLC. (ECF No. 119.) In its Notice of Errata Regarding Title of Docket No. 119, U.S. Bank stated the title of No. 119 should have instead been titled, "U.S. Bank's Notice of Completion of Mediation Pursuant to NRS 38.310" and was not intended to apply to the motion to compel or its motion for attorneys fees and costs. (ECF No. 120.)

1 admitted. (ECF No. 111 at 2.) The record contains no suggestion the Defendants have responded to  
2 Plaintiff's discovery as the court ordered.

3 Plaintiff U.S. Bank seeks an award of attorneys fees and costs incurred by reason of Defendants'  
4 failure to respond to Plaintiff's discovery and in having to bring its motion to compel. (ECF No. 111.)  
5 Plaintiff initially sought an award of attorneys fees of \$3,030.50 (ECF Nos. 111, 112) and thereafter in  
6 a Supplement to Motion for Attorneys Fees and Costs, seeks an additional \$2,471.00 in attorneys fees  
7 (ECF No. 115-2 at 2) and costs (deposition appearance fees; ECF No. 115-1 at 2-3) in the amount of  
8 \$725.60.

9 Fed. R. Civ. P. 37 (c)(1)(A) and (d)(3) authorize this court to award a party which prevails on  
10 a motion to compel its attorneys fees incurred in making the motion unless the failure was substantially  
11 justified or other circumstances make an award of expenses unjust. A reasonable opportunity was  
12 afforded Defendants D'Andrea and Alessi & Koenig to respond, but Defendants failed to do so.

13 The court finds that amount of fees set forth in the declaration of counsel (ECF No. 112-1) and  
14 the supplement to the motion (ECF No. 115) to be reasonable. Plaintiff is awarded attorneys fees of  
15 \$5,501.50 and costs in the amount of \$723.60, for a total award of \$6,225.10.

16 IT IS SO ORDERED.

17 DATED: June 7, 2016.

18   
19 WILLIAM G. COBB  
20 UNITED STATES MAGISTRATE JUDGE  
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